

REMARKS

This is in response to the Office Action dated June 30, 2008. Claims 20, 22-24, 26, 27, 30-34, and 37-38 are rejected. Claim 36 is objected to. Claims 20, 22, 23 and 34 have been amended. Support for the amendments can be found throughout the specification and the Figures, and at least on page 24, lines 17-19, and page 27, lines 7-9 and 23-25. Claims 39-43 have been added. Support for the new claims can be found throughout the specification, the Figures, and the originally filed claims, and at least on page 19, lines 4-6 and 16-19. No new matter has been added. Reconsideration and allowance of the claims are requested.

Claims 20, 22-24, 26-27, and 30-34 and 37-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson (5,449,384) in view of Williamson IV et al. (6,402,780). Applicant traverses the rejections.

Elements of claim 20, as amended, include providing a fastener having a head and a sharp tip, a prosthesis, and a separate reinforcement, and positioning the reinforcement along an inner surface of at least one of the commissure supports. Independent claims 22 and 34 also include similar limitations, except that the reinforcement is attached along the outer surface of the prosthesis in claim 34. There is no disclosure or suggestion in either Johnson or Williamson of utilizing a separate reinforcement, as claimed.

In contrast, Johnson discloses a method for attaching a stented valve having a framework which includes struts 110, 112, and 114 that are joined together. Col. 3, lines 30-33. The free end of each strut of the frame includes a loop 118, 120, 122 which the Office Action considers as the reinforcement. The loop is attached to and is part of each strut. Leaflets 500, 502, and 504 having tabs are mounted to and wrapped around the struts and the loops, such that the struts and the loops are completely enclosed by the porcine tissue. See Col. 4, lines 53-65, and col. 1, lines 57-62.

Williamson discloses a barbed fastener in Figure 65 having a head and a pointed end with anti-back up barbs. The fastener is positioned in a delivery tool element such that the fastener is forced into the tissue. See col. 37, lines 26-49.

In claims 20 and 22, Applicant claims a method for attaching a heart valve prosthesis to a patient by positioning a separate reinforcement along an inner surface of at least one of the commissure supports. In claim 34, the separate reinforcement is positioned along an outer surface of the prosthesis. There is no disclosure in Johnson of a separate reinforcement along an

inner surface of at least one of the commissure supports or positioning the separate reinforcement on an exterior surface of the prosthesis, as claimed. Williamson does not cure the deficiencies of Johnson. The combination of Johnson and Williamson does not teach, suggest or render obvious the claimed method.

Regarding claim 23, contrary to the first sentence in paragraph 2 of the Office Action which states that Johnson discloses a method for attaching a stentless porcine heart valve prosthesis, in which the prosthesis comprises leaflets with commissure supports 110, 112, and 114, Applicant notes that Johnson discloses a stented heart valve since the valve includes a framework comprising struts 110, 112, and 114.

Reinforcements are thin strips of relatively strong material. Reinforcements can prevent or reduce damage to the prosthesis when the fasteners are inserted and after implantation of the heart valve prosthesis in the patient. The reinforcement, thus, can protect and support the commissure supports from potential damage generated by the presence of the fasteners. Page 19, lines 1 to 16. Using fasteners and reinforcements, the physician can reduce the time to implant the prosthesis and the complexity of the implantation procedure. Page 7, lines 16-20. If rigid reinforcements are used, the reinforcements help to shape the commissure supports, making it easier to place the valve and to ensure maximum valve performance. See page 26, line 20 to page 27, line 3.

For at least the above reasons, Applicant respectfully requests withdrawal of the rejection of claims 20, 22-24, 26, 27, 30-34 and 37-38 as being unpatentable over Johnson in view of Williamson.

In view of the foregoing, it is submitted that the application is in condition for allowance. The Examiner is requested to contact the undersigned representative if the Examiner believes it

would be useful to advance prosecution .

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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